

REMARKS

Claims 1, 5-6, 9 and 28-39 are currently pending in the application. Applicant has canceled claims 2-4 and 7-8, amended claims 1 and 5-6 and added new claims 28-39. Applicant requests reconsideration of the application in light of the following remarks.

Change of Address

The office action was sent to Schmeiser, Olsen & Watts, LLP at 18 East University Dr., Suite 101, Mesa, Arizona 85201. **Applicant respectfully requests that all future correspondence for this patent application be sent to:**

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A signed revocation and change of power of attorney document will be sent shortly.

Rejections under 35 U.S.C. 112

Claims 2 and 3 stand rejected by the Examiner under 35 U.S.C. 112. Applicant realized from the 112 rejection in the most recent office action that a typographical error, likely occurring during the translation of the application from Korean to English, occurred in portions of the application and claims relating to “outlet” and “inlet”. Applicant has amended the specification for consistency in reference to the respective “outlets” and “inlets” and made corresponding amendments in claim 1 (which now also includes language from canceled claims 2 and 3). Claims 2 and 3 were canceled, thus obviating the 112 rejection.

Rejections under 35 U.S.C. 102

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claims 1-2, 6 and 7 were rejected under 35 U.S.C. 102(b) as being anticipated by Kristen (U.S. Patent No. 6,256,968, hereinafter “Kristen”). Claims 2 and 6 were canceled, thus obviating the rejection of those claims. Applicant respectfully traverses the rejection of claims 1 and 6 and requests reconsideration of those claims.

Independent claim 1, as amended, is structurally different from the vacuum packaging control of Kristen. Independent claim 1, as amended, recites a separation unit comprising “an inlet port, an outlet port and a partition configured to couple both the inlet and outlet ports to a sidewall of the housing . . .” Kristen’s vacuum packaging control includes only an outlet port 50 coupled to the vacuum pump 52. There is no distinct inlet port or partition member configured to couple the inlet and outlet ports to a sidewall of the Kristen housing. For this reason, among others, Kristen does not disclose every element of independent claim 1, and claim 1 is allowable over Kristen.

Regarding independent claim 6: first, independent claim 6, as amended, recites an “inlet formed in a top surface” of the cover that is mounted on the casing of the separation assembly”. The top surface of the cover of Kristen includes an outlet rather than an inlet and is not mounted to the casing of the Kristen separation assembly. By the invention of claim 6 having a cover mounted to the casing of the separation assembly, the impurities or oil flow into the inlet of the cover is permitted to be confined in the separation assembly casing and does not flow into the outlet of the casing.

Second, independent claim 6 recites a separation assembly disposed within a depression formed in the housing and *detachable* from the housing, and a cover mounted on the separation assembly casing. Kristen does not disclose a detachable separation assembly and there does not appear to be a cover mounted on the separation assembly (involving components 50, 52, 53, 55 and 56 of FIG. 2). Although the most recent Office Action states that the separation unit is “inherently detachable” since it is connected somehow, it could be permanently affixed by adhesive and, therefore, is not necessarily detachable. Because there are no apparent screw mounting structures for the Kristen separation assembly, and it needs to be attached in some way, adhesive is a commonly used method of permanently attaching components in an inexpensive assembly. Nevertheless, detachable, as used in Applicant’s disclosure refers to components configured for detachability, not those configured for attachment but not necessarily detachment. In Kristen, FIGs. 1-3, contrarily, it appears that the separation assembly is likely permanently attached to and encased within the vacuum control housing because there are no reasons given in Kristen for it to be made detachable.

Third, the “separation assembly” of Kristen does not appear to have rubber packing as recited in amended claim 6. For these reasons, among others, Kristen does not disclose every element of independent claim 6 and claim 6 is allowable over Kristen.

Applicant respectfully requests that the anticipation rejections of claims 1 and 6, as amended, be withdrawn.

Rejections under 35 U.S.C. 103

To establish a *prima facie* case of obviousness under 35 U.S.C. 103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the cited prior art reference must teach or suggest all of the claim limitations. Furthermore, the suggestion to make the claimed combination and the

reasonable expectation of success must both be found in the prior art, and not based upon the Applicants' disclosure. A failure to meet any one of these criteria is a failure to establish a *prima facie* case of obviousness. MPEP 2143.

Claims 3-5 and 8-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kristen in view of Wang (U.S. Patent No. 6,694,710, hereinafter "Wang"). Applicant canceled claims 3-4 and 8, thus obviating the rejection of those claims. Applicant respectfully traverses the rejection of the remaining claims and requests reconsideration.

In Applicant's present amendment, Applicant included language from canceled 3 (communicating pipe), 4 (filter) and 8 (holes) into independent claim 1. Applicant will, therefore, respond to the 103 rejection, in part, by addressing the language of independent claim 1.

Dependent claims 5 and 9 are each allowable over the combination of teachings from Kristen and Wang, among other reasons, for depending from respective allowable claims 1 and 6. The combined teachings of Kristen and Wang do not teach or suggest all of the elements of amended claims 1 and 6. As explained above, with respect to claims 1 and 6, and contrary to the assertions on page 3 of the most recent office action, Kristen does not disclose all of the elements of amended claims 1 and 6. Kristen also does not teach or suggest those additional elements. Furthermore, although there is no suggestion in the most recent office action to this effect, Wang also does not teach or suggest those additional elements and the combination of the teachings of Kristen and Wang do not make such a teaching or suggestion.

Page 3 of the most recent Office Action asserts that Wang teaches a filter means with a vacuum pump to eliminate purities, a communicating pipe 19 that communicates with a plurality of outlet ports, and that it would have been obvious to combine these with the teachings of Kristen. Independent claim 1 also recites that the inlet and outlet ports are "detachably and selectively coupled to one of a communication pipe and a filter . . ." It is

an advantage to provide the user with the option, through detachably coupled ports, to select for detachable coupling through the inlet and outlet ports to either a communication pipe or a filter depending upon the impurities produced by a particular application. Wang teaches to use a filter screen in addition to a communicating pipe 19 in line with the vacuum pump to eliminate impurities. The filter screen is fixedly mounted, not detachably coupled, and the user cannot selectively couple between one or the other of the communication pipe and the filter. Combining the teachings of Wang with the system of Kristen similarly does not teach or suggest this unique feature. Another advantage of Applicant's detachable filter component is simplified cleaning or changing of the filter. Cleaning and changing of the filter in Wang is not as simple because it is not detachable. Accordingly, dependent claim 5 is further allowable over the combination of Kristen and Wang for depending from allowable independent claim 1.

Applicant respectfully requests that the obviousness rejections of claims 5 and 9 be withdrawn.

Regarding Doctrine of Equivalents

Applicant hereby declares that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

CONCLUSION

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

If any fees, including extension of time fees or additional claims fees, are due as a result of this response, please charge Deposit Account No. 50-3545. This authorization is intended to act as a constructive petition for an extension of time, should an extension of time be needed as a result of this response. The examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

Date: July 13, 2005

By 
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